



¶¶ 28-37) and interfered with an alleged ongoing and contractual business relationship with the Sandersons. (*See* Plaintiffs' First Amended Complaint [Doc. 48] ¶¶ 38-42).

2. Plaintiffs' First Amended Complaint further alleges that Esteem Custom Homes, LLP was deactivated by the Missouri Secretary of State's Office on January 6, 2006 and Nicholas Sigmund conducts business as Esteem Custom Homes. (*See* Plaintiffs' First Amended Complaint [Doc. 48] ¶¶ 3, 4).

3. The Residential Sale Contract with the Sandersons for the home located at 418 Ancestry Drive, St. Peters, Missouri, 63376 and the Settlement Statement show that the entity that sold the home to them was Esteem Homes, Inc, not Esteem Custom Homes, LLP or Nicholas Sigmund. (*See* Exhibit 1, the Resident Sale Contract, and Exhibit 2, the Settlement Statement, attached hereto and incorporated herein).

4. The plans from which the home located at 418 Ancestry Drive, St. Peters, Missouri 63376 was built do not provide that they were prepared for either Esteem Custom Homes, LLP or Nicholas Sigmund. (*See* Exhibit 3, the "Henry" architectural plans attached hereto and incorporated herein).

5. Neither Defendant Esteem Custom Homes, LLP nor Nicholas Sigmund in his personal capacity was the party that helped to design and then constructed and sold the subject home to the Sandersons.

6. Defendants Esteem Custom Homes, LLP and Nicholas Sigmund are not proper party defendants in this action.

7. Esteem Homes, Inc. is the property party defendant in this action.

WHEREFORE, Defendants Esteem Custom Homes, LLP and Nicholas Sigmund move this Court to enter an order dismissing Esteem Custom Homes, LLP and Nicholas Sigmund as party defendants and substituting Esteem Homes, Inc. as a party defendant in this action and for such other relief as this Court deems just and proper under the circumstances.

/s/William S. Thomas

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I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 25 day of June, 2010 to be served by operation of the Court's electronic filing system upon the following:

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